

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2829

AN ACT

AMENDING SECTION 16-168, ARIZONA REVISED STATUTES; RELATING TO QUALIFICATION AND REGISTRATION OF ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

7 A. By the tenth day preceding the primary and general elections the
8 county recorder shall prepare from the original registration forms or from
9 electronic media at least four lists that are printed or typed on paper of
10 all qualified electors in each precinct in the county, and the lists shall be
11 the official precinct registers.

12 B. The official precinct registers for use at the polling place shall
13 contain at least the names in full, party preference, date of registration
14 and residence address of each qualified elector in the respective
15 precincts. The names shall be in alphabetical order and, in a column to the
16 left of the names, shall be numbered consecutively beginning with number 1 in
17 each precinct register.

18 C. For the purposes of transmitting voter registration information as
19 prescribed by this subsection, electronic media in counties with a population
20 over five hundred thousand PERSONS in the last decennial census shall be the
21 principal media. A county or state chairman who is eligible to receive
22 copies of precinct lists as prescribed by this subsection may request that
23 the recorder provide a paper copy of the precinct lists. The county
24 recorder, in addition to preparing the official precinct lists, shall provide
25 a means for mechanically or electronically reproducing the precinct lists and
26 unless otherwise agreed shall deliver within eight days after the close of
27 registration for the primary and general elections, without charge, on the
28 same day one electronic media copy of each precinct list within the county to
29 the county chairman and one electronic media copy to the state chairman of
30 each party that has at least four candidates other than presidential electors
31 appearing upon the ballot in that county at the current election. The county
32 recorder shall also deliver, upon request and without charge, one electronic
33 media copy of the precinct list to the Arizona legislative council. The
34 county recorder of a county with a population of five hundred thousand or
35 fewer persons, on the same day precinct lists are delivered to county
36 chairmen, shall deliver one electronic media copy of each precinct list
37 within the county to the state chairman of each party that has at least four
38 candidates other than presidential electors appearing on the ballot in this
39 state at the current election. The copies of the precinct lists shall be
40 electronic media ~~which~~ AND shall include for each elector the following
41 information:

- 42 1. Name in full and appropriate title.
43 2. Party preference.
44 3. Date of registration.
45 4. Residence address.

- 1 5. Mailing address, if different from residence address.
- 2 6. Zip code.
- 3 7. Telephone number if given.
- 4 8. Birth year.
- 5 9. Occupation if given.

6 10. ~~Primary election and general election~~ Voting history for ALL
7 ELECTIONS IN the prior four years and any other information regarding
8 registered voters which the county recorder or city or town clerk maintains
9 electronically and which is public information.

10 D. The names on the precinct lists shall be in alphabetical order and
11 the precinct lists in their entirety, unless otherwise agreed, shall be
12 delivered to each county chairman and each state chairman ~~at least quarterly~~
13 ~~and~~ within ten business days of the close of each ~~quarter~~ DATE FOR COUNTING
14 REGISTERED VOTERS PRESCRIBED BY SUBSECTION G OF THIS SECTION OTHER THAN THE
15 PRIMARY AND GENERAL ELECTION REGISTERED VOTER COUNTS in the same format and
16 media as prescribed by subsection C of this section. DURING THE THIRTY-THREE
17 DAYS IMMEDIATELY PRECEDING AN ELECTION AND ON REQUEST FROM A COUNTY OR STATE
18 CHAIRMAN, THE COUNTY RECORDER SHALL PROVIDE A DAILY LIST OF PERSONS WHO HAVE
19 REQUESTED AN EARLY BALLOT AND SHALL PROVIDE A WEEKLY LISTING OF PERSONS WHO
20 HAVE RETURNED THEIR EARLY BALLOTS. THE RECORDER SHALL PROVIDE THE DAILY AND
21 WEEKLY INFORMATION THROUGH THE THIRD DAY PRECEDING THE ELECTION.

22 E. Precinct registers and other lists and information derived from
23 registration forms may be used only for purposes relating to a political or
24 political party activity, a political campaign or an election, for revising
25 election district boundaries or for any other purpose specifically authorized
26 by law and may not be used for a commercial purpose as defined in section
27 39-121.03. The sale of registers, lists and information derived from
28 registration forms to a candidate or a registered political committee for a
29 use specifically authorized by this subsection does not constitute use for a
30 commercial purpose. The county recorder, on a request for an authorized use
31 and within thirty days from receipt of the request, shall prepare additional
32 copies of an official precinct list and furnish them to any person requesting
33 them on payment of a fee equal to five cents for each name appearing on the
34 register for a printed list and ten cents for each name for an electronic
35 data medium, plus the cost of the blank computer disk or computer software if
36 furnished by the recorder, for each copy so furnished.

37 F. Any person in possession of a precinct register or list, in whole
38 or part, or any reproduction of a precinct register or list, shall not permit
39 the register or list to be used, bought, sold or otherwise transferred for
40 any purpose except for uses otherwise authorized by this section. A person
41 in possession of information derived from voter registration forms or
42 precinct registers shall not distribute, post or otherwise provide access to
43 any portion of that information through the internet except as authorized by
44 subsection J of this section. Nothing in this section shall preclude public
45 inspection of voter registration records at the office of the county recorder

1 for the purposes prescribed by this section, except that the month and day of
2 birth date, the social security number or any portion thereof, the driver
3 license number or nonoperating identification license number, the unique
4 identifying number prescribed by this section, the Indian census number, the
5 father's name or mother's maiden name, the state or country of birth and the
6 records containing a voter's signature shall not be accessible or reproduced
7 by any person other than the voter, by an authorized government official in
8 the scope of the official's duties, for signature verification on petitions
9 and candidate filings, for election purposes and for news gathering purposes
10 by a person engaged in newspaper, radio, television or reportorial work, or
11 connected with or employed by a newspaper, radio or television station or
12 pursuant to a court order. A person who violates this subsection or
13 subsection E of this section is guilty of a class 6 felony.

14 G. The county recorder shall count the registered voters by political
15 party by precinct, legislative district and congressional district as
16 follows:

17 1. In even numbered years, the county recorder shall count all persons
18 who are registered to vote as of:

- 19 (a) January 1.
- 20 (b) March 1.
- 21 (c) JUNE 1.

22 (d) The last day on which a person may register to be eligible to
23 vote in the next primary election.

24 (e) The last day on which a person may register to be eligible to
25 vote in the next general election.

26 (f) The last day on which a person may register to be eligible to
27 vote in the next presidential preference election.

28 2. In odd numbered years, the county recorder shall count all persons
29 who are registered to vote as of:

- 30 (a) January 1.
- 31 (b) April 1.
- 32 (c) July 1.
- 33 (d) October 1.

34 H. The county recorder shall report the totals to the secretary of
35 state as soon as is practicable following each of the dates prescribed in
36 subsection G of this section. The report shall include completed
37 registration forms returned in accordance with section 16-134, subsection
38 B. The county recorder shall also provide the report in a uniform electronic
39 computer media format that shall be agreed upon between the secretary of
40 state and all county recorders. The secretary of state shall then prepare a
41 summary report for the state and shall maintain that report as a permanent
42 record.

1 I. The county recorder and the secretary of state shall protect access
2 to voter registration information in an auditable format and method specified
3 in the secretary of state's electronic voting system instructions and
4 procedures manual that is adopted pursuant to section 16-452.

5 J. The secretary of state shall develop and administer a statewide
6 database of voter registration information that contains the name and
7 registration information of every registered voter in this state. The
8 database shall include an identifier that is unique for each individual
9 voter. The database shall provide for access by voter registration officials
10 and shall allow expedited entry of voter registration information after it is
11 received by county recorders. As a part of the statewide voter registration
12 database, county recorders shall provide for the electronic transmittal of
13 that information to the secretary of state on a daily basis. The secretary
14 of state shall provide for maintenance of the database, including provisions
15 regarding removal of ineligible voters that are consistent with the national
16 voter registration act of 1993 (42 United States Code section 394) and the
17 help America vote act of 2002 (P.L. 107-252), provisions regarding removal of
18 duplicate registrations and provisions to ensure that eligible voters are not
19 removed in error.

20 K. For requests for the use of registration forms and access to
21 information as provided in subsections E and F of this section, the county
22 recorder shall receive and respond to requests regarding federal, state and
23 county elections.

24 L. FOR MUNICIPAL REGISTRATION INFORMATION IN THOSE MUNICIPALITIES IN
25 WHICH THE COUNTY ADMINISTERS THE MUNICIPAL ELECTIONS, COUNTY AND STATE PARTY
26 CHAIRMEN SHALL REQUEST AND OBTAIN VOTER REGISTRATION INFORMATION AND PRECINCT
27 LISTS FROM THE CITY OR TOWN CLERK DURING THE TIME PERIODS PRESCRIBED IN
28 SUBSECTION C OR D OF THIS SECTION. IF THE CITY OR TOWN CLERK DOES NOT
29 PROVIDE THAT INFORMATION WITHIN THE SAME TIME PRESCRIBED FOR COUNTY RECORDERS
30 PURSUANT TO SUBSECTION C OR D OF THIS SECTION, THE COUNTY OR STATE PARTY
31 CHAIRMAN MAY REQUEST AND OBTAIN THE INFORMATION FROM THE COUNTY RECORDER.
32 THE COUNTY RECORDER SHALL PROVIDE THE MUNICIPAL VOTER REGISTRATION AND
33 PRECINCT LISTS WITHIN THE TIME PRESCRIBED IN SUBSECTION C OR D OF THIS
34 SECTION.